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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/469,834	12/22/1999	TREVOR HUGHES	D5785-00002	5427

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EXAMINER

DELGADO, MICHAEL A

ART UNIT	PAPER NUMBER
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2144

DATE MAILED: 04/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/469,834

Applicant(s)

HUGHES, TREVOR

Examiner

Michael S. A. Delgado

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-11 and 32-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-11 and 32-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 9-11 and 32-36 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 9-11 and 32-36 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. US 6,385,766 by Doran, Jr et al.

In claim 1, Doran teaches about a method for operating a computer system including a server and a client, comprising the steps of (Col 9, line 65-Col 10, line 35):

(a) base on a selection made by a user of the client (Col 7, lines 15-20) (Build to order requires the user selecting the type of applications needed), downloading a first portion of an application program "WBI" from the server to the client (Col 7, lines 20-35), the first portion of the application program containing a first plurality of program files "WBI and Run.WBI" (Col 10, lines 44-54), the application program further including a second portion containing a second

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plurality of program files "third party software packages" (Col 7, line 60-Col 8, line 5), the second plurality of program files not being included in the first plurality of program files (WBI and RUN.WBI are run as a hook programs before loading third party application) (Col 10, lines 20-35), the application program being designed to operate at the client only with the first plurality of program files stored locally and the second plurality of program files stored locally (Col 10, lines 20-35);

(b) launching the application program in the client, while the first portion of the application program is stored locally in the client, but the second portion of the application program is not stored locally in the client (Col 6, lines 30-45), (Col 8, lines 1-5) (WBI and RUN.WBI is run prior to loading third party application);

(c) processing in the client, a request for one of the second plurality of program files, wherein the request is based on a selection made by the user (Col 8, lines 5-15) (Col 7, lines 20-35); (Build to order requires the user selecting the type of applications needed)

(d) automatically downloading at least one of the second plurality of program files from the server to the client (Col 10, lines 15-35); and

(e) using the at least one of the second plurality of program files in the client (Col 10, lines 15-35).

In claim 10, Doran teaches about a method of claim 9, including, before step (a), the steps of:

(1) Selecting the first plurality of program files “WBI and RUN.WBI” to include program files that are expected to be used frequently “continuously engage detached processes” (Col 6, lines 30-45), (Col 7, line 60-Col 8, line 5); and

(2) selecting the second plurality of program files to include program files that are not expected to be used frequently (Col 6, lines 30-45).

In claim 11, Doran teaches about a method of claim 9, wherein step (d) includes downloading all of the second plurality of program files from the server to the client (Col 10, lines 15-35).

In claim 32, Doran teaches about a method for configuring computer programs on a client that is coupled to a server, comprising the steps of (Col 9, line 65-Col 10, line 35):

(a) identifying a first plurality of computer programs that are listed in a user profile “build to order represent client personal taste equivalent to client profile” associated with a user of the client (Col 7, lines 20-35), the first plurality of computer programs being associated with the user (Col 10, lines 15-35);

(b) querying a database identifying dependencies among a second plurality of computer programs that are stored on the server (Col 1, lines 25-35), the first plurality of computer programs being a subset “ a line which indicate where a given third party software set up program is” of the second plurality of computer programs (Col 10, lines 5-15);

(c) identifying dependencies (WBI uses RUN.WBI) among the first plurality of computer programs based on the querying (Col 7, line 60-Col 8, line 5); and

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(d) automatically generating configuration files "manufacturing process code" for downloading to the client and that are required to execute any of the first plurality of computer programs "WBI" in the client (Col 7, lines 20-35), without executing any installation programs associated with any of the first plurality of computer programs "RUN.WBI" (Col 7, line 60-Col 8, line 5). RUN.WBI is run after WBI is run.

In claim 33, Doran teaches about a method of claim 32, further comprising automatically downloading computer program files corresponding to the first plurality of computer 4 programs from the server to the client (Col 7, lines 20-35).

In claim 34, Doran teaches about a method of claim 32, further comprising, before step (a), the step of:

storing a plurality of codes in the database (Col 1, lines 25-35), each code associated with a respective dependency between at least two of the second plurality of computer programs (Col 10, lines 15-45).

In claim 35, Doran teaches about a method of claim 34, wherein step (d) includes:

generating the configuration files "WBI" to reflect a dependency between the at least two of the second plurality of computer programs (Col 10, lines 15-35), (means to link and download applications A, B & C) , if all of the at least two of the second plurality of computer programs are included in the first plurality of computer programs "RUN.WBI" (Col 10, lines 15-45).

In claim 36, Doran teaches about a method of claim 35, wherein step (d) further includes: generating the configuration files so as not to reflect the dependency between the at least two of the second plurality of computer programs, if the at least two of the second plurality of computer programs are not all included in the first plurality of computer programs (Col 7, line 60-Col 8, line 5). Only applications in RUN.WBI are allowed to be downloaded. If an application is not in the RUN.WBI there will be no reference or dependency to it.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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US patent no. 6,226,665 by Deo et al. teaches about an application execution environment for a small device with partial program loading by a resident operating system

US patent no. 6,470,496 by Kato et al teaches about a control program downloading method for replacing control program in digital broadcast receiving apparatus with new control program sent from digital broadcast transmitting apparatus.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael S. A. Delgado whose telephone number is 703-305-8057. The examiner can normally be reached on 8 AM - 4.30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (703)308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


MD

April 9, 2004


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